

This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under the criteria contained therein.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Eastern South Dakota marketing area.

Notice of proposed rulemaking was published in the *Federal Register* on June 22, 1988 (53 FR 23405) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No comments opposing the proposed suspension were received.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of August 1988 through February 1989 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1076.13, paragraphs (c) (2) and (3)

Statement of Consideration

This action removes for the months of August 1988 through February 1989 the limit on the amount of producer milk that a cooperative association or other handler may divert from pool plants to nonpool plants. The suspension was requested by Land O'Lakes, Inc. (LOL), an association of producers that handles most of the market's reserve milk supplies.

The order now provides that a cooperative association may divert up to 35 percent of its total member milk received at all pool plants or diverted therefrom during the months of August through February. Similarly, the operator of a pool plant may divert up to 35 percent of its receipts of producer milk (for which the operator of such plant is the handler during this month) during the months of August through February.

The suspension is necessary to assure the continued participation in the marketwide pool of producers historically associated with the Eastern South Dakota market. Operation of the 35-percent diversion limit during August through February would require LOL to deliver 65 percent of its milk to pool plants. According to the cooperative's estimates, only 39 to 50 percent of its milk will be needed at distributing plants. Without suspension of the diversion limit, the balance of LOL's members' milk would have to be

delivered to a supply plant, unloaded, reloaded and then shipped to other plants merely to qualify the milk for pooling. The additional handling and hauling costs would be incurred by LOL and its member producers, with no offsetting benefits to other market participants.

In comments filed in support of the proposed suspension, LOL stated that requiring the full 65 percent of its milk to be delivered to pool plants would serve no useful purpose other than demonstrating the availability of a reserve supply of milk for Class I use. The cooperative argued that because the reserve milk will not be needed for Class I use, the requirement should be suspended.

In view of these circumstances, it is concluded that the diversion limits in the Eastern South Dakota milk order should be suspended for the months of August 1988 through February 1989 to ensure the orderly marketing of milk supplies. The suspension will prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that without extensive unnecessary and expensive hauling and handling substantial quantities of milk, from producers who regularly supply the market, otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments were filed in opposition to this action.

Therefore, good cause exists for making this order effective upon publication in the *Federal Register*.

List of Subjects in 7 CFR Part 1076

Milk marketing orders. Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of § 1076.13 of the Eastern South Dakota order are hereby suspended for the months of August 1988 through February 1989, as follows:

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. The authority citation for Part 1076 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1076.13 [Amended]

2. In § 1076.13, paragraphs (c) (2) and (3) are suspended for the months of August 1988 through February 1989.

Signed at Washington, DC, on: July 25, 1988.

Kenneth A. Gilles,

Assistant Secretary of Agriculture, Marketing and Inspection Services.

[FR Doc. 88-17093 Filed 7-28-88; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Parts 316 and 350

[Docket No. 85-014F]

Elimination of Sealing Requirement for Rendered Edible Animal Fat

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Federal meat inspection regulations to allow inspected and passed product, particularly rendered edible animal fat, transported in properly labeled tank cars or tank trucks, to move in commerce without an official seal. Formerly, establishments which processed and then transported such product to another establishment were required to have the means of conveyance sealed with an official seal by a Program employee. Establishments which received the officially sealed conveyance containing such product were required to have the seal broken by a Program employee. This rule removes an official sealing requirement that no longer appears to be necessary. The rule also deletes the requirement that a Program employee insert the "date of loading" on the label affixed to the tank car or tank truck and permits an establishment employee to insert the "date of loading."

EFFECTIVE DATE: August 29, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Director, Processed Products Inspection Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3840.

SUPPLEMENTARY INFORMATION:**Executive Order 12291**

The Administrator has determined that this rule is not a "major rule" under Executive Order 12291. It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule allows rendered edible animal fat, shipped in tank cars or tank trucks, to be transported in commerce without an official seal provided the tank car or tank truck bears a label containing appropriate information about the product. This change could affect in a positive manner about 250 meat establishments as it removes an unnecessary official sealing requirement.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601).

At present, there are approximately 250 establishments involved in either shipping or receiving rendered edible animal fats. These establishments range from small to very large operations. These establishments are presently prohibited from shipping product unless it is sealed by a Program employee. Those receiving such product must have the seal broken by a Program employee.

This rule allows establishments to ship and receive products without having to wait for an inspector to seal the tank car or tank truck or break the seal. This is particularly beneficial for all establishments that may have to hold the tank car or tank truck and pay demurrage until the inspector is available to seal the tank car or tank truck and/or to break the seal. (*Demurrage* is the detention of tank car(s) or tank truck(s), by the shipper or receiver mainly for loading and unloading, beyond the time agreed upon, and an extra fee is charged by the carrier for such detention.)

Background

On December 1, 1987, FSIS published

a proposed rule (52 FR 45639) to amend the Federal meat inspection regulations to allow inspected and passed product, particularly rendered edible animal fat, transported in properly labeled tank cars or tank trucks, to move in commerce without an official seal. FSIS also proposed to delete the requirement that a Program employee insert the "date of loading" on the label affixed to the tank car or tank truck.

Tank cars or tank trucks carrying inspected and passed product (which appears to involve only rendered edible animal fats) are required to bear a label in accordance with § 316.14 of the Federal meat inspection regulations (9 CFR 316.14). The label must contain the name of the product, the official inspection legend, and the words "date of loading" followed by a space in which the inspector shall insert the date.

Formerly, rendered edible animal fat was shipped by tank car or tank truck, under official seal, to other federally inspected establishments for further processing. Before a refining establishment could unload the rendered edible animal fat, § 325.16 of the Federal meat inspection regulations (9 CFR 325.16) requires that the official seal be broken by a Program employee. When a sealed tank car or tank truck was not present, the establishment had to wait until a Program employee arrived at the establishment to break the seal. This prevented the inspector from completing inspection of the other establishments on his/her patrol assignment and did not effectively utilize inspection resources.

Formerly, the rationale for sealing a tank car or tank truck was to ensure that "inspected and passed" product did not become adulterated with inedible animal fat or other substances. The sealing requirement was reinstated in 1965 after the Department discovered that rendered edible animal fat was mixed with water and represented as pure edible animal fat. However, the majority of products regulated by FSIS are permitted to be transported under the official inspection legend with proper labeling and do not require official sealing. Products bearing proper labeling and the mark of inspection have an equal chance of becoming adulterated as does rendered edible animal fat. Since 1965, FSIS has not experienced problems with any particular product transported in tank cars or tank trucks. Also, since that time, approximately 88 billion pounds of rendered edible animal fat have been produced and shipped domestically.

This action amends the Federal meat inspection regulations by eliminating the

official sealing provision in § 316.14(b) (9 CFR 316.14(b)) for product moved in tank cars or tank trucks. Such product is permitted to move in commerce provided the tank car or tank truck bears a label in accordance with § 316.14 of the Federal meat inspection regulations (9 CFR 316.14).

In addition, this action deletes the requirement under § 316.14 that the "date of loading," a required feature of the label, be inserted by an inspector. This change permits the "date of loading" to be inserted by an establishment employee. FSIS has determined that requiring a Program employee to insert the date is not conducive to effective utilization of inspection resources and has no effect on the wholesomeness of the product.

This rule also amends Part 350 of the voluntary inspection and certification regulations (9 CFR Part 350), promulgated under the Agricultural Marketing Act of 1946 (7 U.S.C. 1622), by deleting the requirement that tank cars and tank trucks be equipped for sealing and be sealed by a Program employee before FSIS will furnish the identification service provided under § 350.3 (9 CFR 350.3).

Summary of Comments

FSIS received 8 comments in response to the proposed rule (52 FR 45639). Seven commenters expressed support for the proposal and recommended that FSIS implement the regulatory change in a final rule; one commenter opposed the proposed rule.

The opposing commenter believes that the current sealing requirement served to control some deceptive industry practices, but does not believe it eliminated the problem of converting inedible animal fats to edible animal fats or mixing edible animal fats with inedible animal fats or other substances. The commenter also believes that one cannot readily distinguish inedible animal fats from edible animal fats by color and/or odor, thus contributing to the potential for illegal diversion.

Other than an isolated incident in 1965 when an establishment misrepresented rendered edible animal fat mixed with water as pure rendered edible animal fat, no instances concerning the illegal diversion of inedible animal fats to edible animal fats or mixing with other substances have been documented. Current Agency requirements, such as the denaturing of inedible rendered animal fats (9 CFR 325.11) to give the rendered fat so distinctive a color, odor, or taste that it

cannot be confused with rendered edible animal fat (9 CFR 325.13); and when denaturing is not employed, requiring renderers, dealers, brokers, or others engaged in the transportation of inedible rendered animal fat to obtain a numbered permit from the FSIS Regional Director to engage in buying, selling, transporting and other related activities (9 CFR 325.11); and similar restrictions are considered to be adequate to prevent the diversion or misrepresentation of rendered inedible animal fat.

The commenter further suggests that if the Agency eliminates the exemption of "technical animal fat not intended for human food" from denaturing requirements and develops an enforceable denaturing standard for all inedible fats, the sealing requirement could be changed. As mentioned earlier, the safeguards to preclude adulteration during transportation (9 CFR 325.11) such as denaturing, use of numbered transportation permits, and similar restrictions full serve the Agency's needs.

Agency information indicates that FSIS has not experienced any problems with the rendering industry concerning rendered edible fat, other than the isolated incident mentioned earlier FSIS believes that the industry is operating within the provisions of the applicable regulations.

As discussed earlier, the majority of products regulated by FSIS are permitted to be transported under the official inspection legend with proper labeling and do not require official sealing. Products bearing proper labeling and the mark of inspection have an equal chance of becoming adulterated as does rendered edible animal fat. FSIS believes that the reinstatement of the sealing requirement in 1965 has served its purpose and that the official sealing/seal breaking requirements no longer are necessary. This flexibility allows FSIS to utilize its inspection resources more effectively and lessens the financial burden and inconvenience to the industry without compromising the effectiveness of the regulations.

List of Subjects

9 CFR Part 316

Meat inspection, Sealing, Edible products, Animal fat.

9 CFR Part 350

Meat inspection, Certification service.

Final Rule

For the reasons stated in the preamble, Parts 316 and 350 of the Federal meat inspection regulations are amended as follows:

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

1. The authority citation for Part 316 continues to read as follows:

Authority: 34 Stat. 1264, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254

2. Section 316.14 is revised to read as follows:

§ 316.14 Marking tank cars and tank trucks used in transportation of edible products.

Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the name of the product in accordance with § 317.2 of this subchapter, the official inspection legend containing the number of the official establishment and the words "date of loading," followed by a suitable space in which the date the tank car or tank truck is loaded shall be inserted. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

3. The authority citation for Part 350 continues to read as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334; 21 U.S.C. 695; 7 CFR 2.15(a), 2.92.

4. Paragraph (a)(4) of § 350.3 is revised to read as follows:

§ 350.3 Types and availability of service.

(a) * * *

(4) The service will be available for products moved in tank cars and tank trucks from an official establishment or from a location operating under this service only if such tank cars or tank trucks bear a label before leaving such official establishment or such other location, in accordance with 9 CFR §§ 316.14 and 317.2.

* * *

Done at Washington, DC, on July 15, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88-17090 Filed 7-28-88; 8:45 am]

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9 CFR Parts 317 and 381

[Docket No. 85-029F]

Random Weight Packaging of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends § 317.2(h)(5) of the Federal meat inspection regulations and § 381.121(c)(5) of the Federal poultry products inspection regulations. Currently, the net weight statements on random weight packages of meat and poultry products may be stated in pounds and decimal fractions of the pound, with the decimal fraction of the pound not to exceed two decimal places. The final rule allows these statements on random weight packages to be expressed to three or more decimal places. This regulation will facilitate the use of modern weighing equipment and permit the statement of net weight on packages to be expressed in accordance with the weighing equipment's capabilities.

EFFECTIVE DATE: August 29, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Dennis, Director, Processed Products Inspection Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (202) 447-3840

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined that this rule is not a "major rule" under Executive Order 12291. It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule, while allowing for some recapture of lost profit to businesses that use more accurate equipment, will not result in recapture in an amount exceeding \$100 million. FSIS may incur some incidental costs in training, staff time, and development of verification procedures to enforce the regulations.

Effects on Small Entities

Under the circumstances mentioned above, the Administrator, Food Safety and Inspection Service, has determined that this action will not have a

significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601).

The final rule treats all businesses alike. Businesses are not required to label to three or more decimal places and may choose not to use the weighing equipment described in this rule. Market pricing of meat and poultry products tends to minimize the economic impact resulting from the use of different weighing equipment.

Background

The National Conference on Weights and Measures (NCWM) has requested that both FDA and FSIS allow declarations in pounds on random weight packages to be stated in terms of three decimal places. FDA has responded to the request by informing NCWM that it cannot change its regulations without an enabling amendment to the Fair Packaging and Labeling Act, 15 U.S.C. 1451 *et seq.*, (FPLA). Products under FSIS jurisdiction are specifically exempted from those limitations under the FPLA, and FSIS responded to the NCWM's request by publishing a proposed rule on July 1, 1987 (52 FR 24475).

The proposed rule marked a departure from past practice, when USDA and FDA promulgated similar regulations concerning statements of net weight on random weight packages. However, since consumer products regulated by FDA are subject to the FPLA, net weight requirements on random weight packages of FDA-regulated products may not be carried out to more than two decimal places, 15 U.S.C. 1453 (a)(3)(A)(ii). Meat, meat products, poultry, and poultry products are specifically exempt from this provision of the FPLA, 15 U.S.C. 1459 (a)(1).

In a letter to FSIS dated July 5, 1985, Ezio F. Delfino, Chairman of NCWM stated, "It is the opinion of the NCWM that three decimal places will permit better inventory control for the scale user and better resolution of tare and less money value error for the consumer. For products with extremely high per pound prices, the precision is warranted."

These considerations were taken into account when the shift was made from analog (fractional pounds and ounces) to digital scales and measuring in hundredths of a pound. These justifications are still true in theory, and the final rule will not have as critical an impact on the marketplace as previous refinements.

In instances where state-of-the-science measuring equipment enables accurate net weight labeling to

thousandths of pound, producers could gain some advantage because of better inventory control and because the amount of "giveaway" would be reduced. Giveaway occurs when the weight is rounded off. For example, rounding 1.099 pounds down to 1.09 pounds results in the producer/seller to lose nine thousandths of a pound of inventory in giveaway. Rounding 1.0999 pounds down to 1.099 pounds results in a loss of only nine ten thousandths of a pound, or one tenth of the amount. These are very small amounts, and even in a very large scale operation, would probably not add up to a large amount of money. In any event, pricing generally accommodates the potential loss due to rounding down. The final rule allows large producers to recover some profits otherwise lost to a larger scale giveaway while costing little to individual consumers because of smaller amounts usually purchased.

Equipment intended to be used for weighing to more than two decimal places will first be reviewed by FSIS, which will determine the acceptability of the equipment and any necessary use conditions of a weighing device depending upon its intended use in a meat or poultry plant, e.g., on-line cured pork products or on-line poultry weighing (See 9 CFR 308.5 and 381.53). FSIS evaluations of these types of equipment have generally focused on sanitation issues, namely, cleaning, and other similar factors to a greater extent than evaluations of precision and accuracy. Precision and accuracy have usually been evaluated at the point of inspection. These certifications of weights and measures have generally been conducted by State and local officials.

Summary of Comments

FSIS received two comments in response to the proposed rule. Both commenters, the American Association of Meat Processors (AAMP), and the National Food Processors Association (NFPA), expressed unqualified support for the proposal and recommended that FSIS implement the regulatory change in a final rule.

Final Rule

For the reasons stated in the preamble, FSIS is amending § 317.2(h)(5) of the Federal meat inspection regulations and § 381.121(c)(5) of the Federal poultry products inspection regulations by eliminating the requirement that net weights on random weight packages be stated in terms of pounds and/or decimal fractions of the pound carried out to not more than two decimal places. This will permit

statements of net weight on these packages to be declared in terms of three or more decimal places.

List of Subjects

9 CFR Part 317

Labeling, Marking devices, Containers.

9 CFR Part 381

Mandatory poultry products inspection, Labeling, Containers.

PART 317—[AMENDED]

1. The authority citation for Part 317 is revised to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*

§ 317.2 [Amended]

2. Section 317.2(h)(5) (9 CFR 317.2(h)(5)) is amended by deleting the words "carried out to not more than two decimal places."

PART 381—[AMENDED]

3. The authority citation for Part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*)

§ 381.121 [Amended]

4. Section 381.121(c)(5) (9 CFR 381.121(c)(5)) is amended by deleting the words "carried out to not more than two decimal places."

Done at Washington, DC on July 15, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88-17091 Filed 7-28-88; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 87F-0338]

Indirect Food Additives; Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of zeolite Na-A as a pigment extender in the manufacture of paper and paperboard for use in contact

with food. This action responds to a petition filed by the PQ Corp.

DATES: Effective July 29, 1988; objections and requests for hearing August 29, 1988.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gillian Robert-Baldo, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of November 6, 1987 (52 FR 42728), FDA announced that a petition (FAP 7B4030) had been filed by the PQ Corp., P.O. Box 258, Lafayette Hill, PA 19444, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of zeolite A in the manufacture of paper and paperboard for use in contact with food.

FDA has evaluated the data in the petition and other relevant material. Based on this review, the agency finds that a more appropriate and accurate name for the food additive is zeolite Na-A, CAS Reg. No. 68989-22-0. The agency concludes that the food additive is safe and effective for the requested use, and that the food additive regulations in § 176.170(a)(5) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before August 29, 1988 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR Part 176 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 176.170 is amended by revising the table in paragraph (a)(5) to alphabetically add a new entry in the list of substances to read as follows:

§ 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods.*

*	*	*	*	*
(a)	*	*	*	*
(5)	*	*	*	*

List of substances	Limitations
Zeolite Na-A (CAS Reg. No. 68989-22-0).	For use as a pigment extender at levels not to exceed 5.4 percent by weight of the finished paper and paperboard.

Dated: July 21, 1988.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88-17147 Filed 7-28-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 173

Contractor Business Integrity and Ethics

AGENCY: Office of the Under Secretary of Defense (Acquisition), Department of Defense (DoD).

ACTION: Interim rule.

SUMMARY: The Under Secretary of Defense (Acquisition) issued a directive-type memorandum on July 15, 1988, to implement acquisition procedures pertaining to Contractor Business Integrity and Ethics. The memorandum establishes procedures for use with specific contractors to protect the DoD's interests in acquisitions that will exceed \$100,000. Further, the memorandum includes a listing of contractors, entitled, "List of Contractors From Whom Certification is Required" that specifies the contractors to whom the DoD procedures apply.

DATES: Effective July 15, 1988.

Comments must be received by August 29, 1988.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Procurement), Room 3C838, Pentagon, Washington, DC 20301-5000.

FOR FURTHER INFORMATION CONTACT: Mr. Alfred Volkman, Director, Contract Policy Administration, DASD(P)/CPA, (202) 697-0895.

Determination to Issue an Interim Rule

A determination has been made by the Under Secretary of Defense for Acquisition that urgent and compelling circumstances regarding Contractor Business Integrity and Ethics make compliance with requirements of